

# Public Document Pack

Date: 7 June 2021  
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## CONSTITUTIONAL REVIEW WORKING PARTY

15 JUNE 2021

A meeting of the Constitutional Review Working Party will be held at **5.30 pm on Tuesday, 15 June 2021** in the Council Chamber, Cecil Street, Margate, Kent.

### Membership:

Independent Members: Peter Tucker (Chair) and Lee Wellbrook (Vice-Chair);

Councillors: Ashbee, Hopkinson, Rusiecki and Hart

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 6)

To approve the Minutes of the Constitutional Review Working Party meeting held on 23 February 2021, copy attached.

4. **DRAFT MEMBER PARENTAL LEAVE POLICY**

Report to follow.

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### Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

## CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 23 February 2021 at 5.00 pm by Video Conference.

**Present:** Mr Peter Tucker (Chairman); Mr Wellbrook, Councillors Hopkinson, Cllr Rev. S Piper, Tomlinson and Hart.

**128. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**129. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**130. MINUTES OF PREVIOUS MEETING**

Minutes of the CRWP meeting held on 5 November 2020 were approved.

**131. FULL COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS**

Nicholas Hughes, Committee Services Manager, outlined the report. He explained that as the CRWP had already extensively discussed and made recommendations on the changes to the questions word limit, he would not be raising that issue at the meeting.

Members then discussed the report and raised the following points during discussion:

- Giving the opportunity to come back to an answer could give rise to persons damaging the reputation of the authority and/or putting councillors in a compromising position.
- That the ability to ask a supplementary question can be seen as a significant democratic principle; facilitating follow-up discussion and giving the same right of return to the public as to councillors.
- The existing time limit for all questions to council means that adding supplementary questions would not affect any other business.
- The intent of a follow-up question may be more negative than councillors would like, however, there are 2 filtering processes - CEx approval of the initial question and the Chair's role within the meeting.
- Concern was raised that the procedure for rejecting a question lies with one person (the CEx).
- Councillors were keen to remind the public that questions can be put to councillors or officers anytime, outside of full council, and that Democratic Services can help the public compose a question for council if desired.

The Committee Services Manager and Estelle Culligan, Director of Law and Democracy, made the following points in response:

- Reasons for rejecting a question are given and help is offered where practicable to support the public to produce a question which wouldn't be rejected. However the ability to do was often compromised by questioners leaving submission to very near to the deadline.
- It would be possible to add a second opinion to rejected questions e.g. In consultation with the Chair, if Councillors choose to recommend that.

- As it stands the CEx will often take advice from the Monitoring Officer or Democratic Services Officer before deciding to reject a question.
- It would be possible to change the Chair's script to explain the questions process at Full Council and advertise this more widely.

Following a vote it was decided not to recommend to the Standards Committee the introduction of an appeals process for rejected questions.

It was proposed, seconded and agreed that the CRWP would recommend to the Standards Committee:

- That the Standards Committee discuss further whether to allow Members of the public to ask supplementary questions.
- That when the Chief Executive considers rejecting a question, they should consult with the Chairman of the Council first.
- That information on the process for submitting questions and the support available is shared at full council and on social media.

Meeting concluded : 5.53 pm